

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LACOURTE, on behalf of himself)
and all others similarly situated,) Civil Action No.:
)
Plaintiff,) 1:12-cv-09453-JSR
)
v.)
)
JP MORGAN CHASE & CO., NCO GROUP,)
INC. n/k/a EXPERT GLOBAL SOLUTIONS, INC.)
NCO FINANCIAL SYSTEMS, INC., ONE)
EQUITY PARTNERS HOLDING)
CORPORATION a/k/a ONE EQUITY PARTNERS)
LLC a/k/a ONE EQUITY PARTNERS II, L.P.,)
FORSTER & GARBUS, LLP, and DOES 1)
THROUGH 150, LAW FIRM AFFILIATES OF)
NCO GROUP, INC. AND NCO FINANCIAL)
SYSTEMS, INC.,)
)
Defendants.)
-----x

DECLARATION OF BRYAN C. SHARTLE
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Bryan C. Shartle declares as follows:

1. I am a partner at Sessions, Fishman, Nathan & Israel, L.L.C., which is counsel to defendants NCO Financial Systems, Inc. ("NCO Financial") and Forster & Garbus, LLP ("F&G") in this litigation. I make this declaration in order to put 10 additional exhibits (Exhibits S1 and CC to KK) before the Court in connection with defendants' Motion for Summary Judgment. This declaration is based on my personal knowledge.

2. Pursuant to Rule 2(b) of this Court's Individual Rules and Procedures, we participated in a telephone conference with your Honor's Clerk on September 9, 2013. During

the conference, discovery and all related deadlines were continued. The deadline for filing summary judgment motions was moved to November 20, 2013.

3. On December 11, 2013, plaintiff served his opposition, along with a response to Defendants' Statement of Material Facts, and a Counter-Statement of Material Facts.

4. In addition to the exhibits previously filed, the following documents are relied upon in responding to plaintiff's Counter-Statement of Material Facts.

5. Defendants submit the following exhibits (some or portions of which are being filed under seal per Fed. R. Civ. P. 5.2 and/or the Protective Order entered by the Court (Dkt. No. 67)):

6. Attached as Exhibit S1 is a true and correct copy an Excerpt of the Master Services Agreement with American Express (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was produced by NCO Financial during this lawsuit.

7. Attached as Exhibit CC is a true and correct copy of the 6/13/13 Deposition of Timothy Galloway (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

8. Attached as Exhibit DD is a true and correct copy of the 7/24/13 Deposition of Timothy Galloway (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

9. Attached as Exhibit EE is a true and correct copy of the Deposition of Tanya McComb (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

10. Attached as Exhibit FF is a true and correct copy of the Deposition of Linda Almonte (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

11. Attached as Exhibit GG is a true and correct copy of the Almonte Retainer Agreement that was produced pursuant to court order in this lawsuit.

12. Attached as Exhibit HH is a true and correct copy of the Deposition of Glenn Garbus (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

13. Attached as Exhibit II is a true and correct copy of the American Express Supplemental Subpoena Response (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was produced in relation to this lawsuit.

14. Attached as Exhibit JJ is a true and correct copy of Plaintiff's Second Notice of Video Tape Deposition [of NCOF] Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure that was served in relation to this lawsuit.

15. Attached as Exhibit KK is a true and correct copy of the Deposition of Scott Miller (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 16, 2013 in Metairie, Louisiana.

/s/ Bryan C. Shartle
BRYAN C. SHARTLE